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October 15, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 65 – September 2012
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On September 18, CPG, EPA, and Tierra held a meeting to discuss coordination of activities between CPG and Tierra.
- On September 25, CPG, EPA and modeling consultants held a modeling collaboration meeting.

Correspondence

- On September 6, 10, 12, 14, 18, 20, and 29 CPG submitted Daily Status Reports for the 2012 Bathymetry Survey to EPA.
- On September 7, CPG submitted to EPA suggested agenda topics of the Newark Bay Study Area (NBSA) data collection coordination meeting requested by EPA.

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- On September 10, CPG's contractor notified EPA's contractor that the bathymetry survey firm, GBA, would be conducting a mid-survey performance test the week of September 10 and that GBA would mobilize for the Single Beam Survey on September 11.
- On September 11, EPA provided CPG with a proposed agenda for the September 18 coordination meeting with Tierra.
- On September 12, CPG submitted the revised draft High Volume (HV) Chemical Water Column Monitoring (CWCM) QAPP to EPA.
- On September 14, CPG uploaded the revised draft HV CWCM QAPP on the EPA's SharePoint site.
- On September 14, EPA provided the draft QAPP to perform SedFlume and consolidation tests in Newark Bay for CPG review and a schedule for planned mobilization to conduct the tests.
- On September 14, CPG submitted the Background and Reference Conditions Benthic QAPP Addendum to EPA.
- On September 14, CPG submitted the Background Tissue QAPP Addendum to EPA.
- On September 17, CPG notified the EPA that the Multi-Beam Survey was complete and that the Single-Beam Survey would continue through the week of September 17.
- On September 17, CPG submitted the August Monthly Progress Report to EPA.
- On September 21, CPG provided EPA with comments on the proposed September 25 EPA/CPG modeling collaboration meeting.
- On September 24, EPA provided CPG with draft minutes of the September 18 EPA/CPG/Tierra coordination meeting.
- On September 24, EPA provided CPG with comments on the draft Background Tissue QAPP Addendum, preliminary comments on the draft Background and Reference Conditions Benthic QAPP Addendum and the draft fall 2009 Sediment Toxicity Test Data Report.

Work

- CPG completed the 2012 Multi-Beam Bathymetry Survey on September 17 and the Single-Beam Bathymetry Survey on September 29.
- CPG initiated chemical analysis of the Small Volume (SV) CWCM Low Flow Event samples.
- CPG continued validation of SV CWCM Routine Flow Event #4 samples.
- CPG continued preparations for conducting SV CWCM Routine Flow Event #5.
- CPG responded to EPA comments on HV CWCM QAPP worksheets.

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- CPG continued discussions with HV equipment vendor and associated labs for applicability in the LPRSA CWCM field program.
- CPG continued the Dissolved Oxygen (DO) monitoring program.
- CPG completed drafting the Background and Reference Conditions Benthic QAPP Addendum.
- CPG completed drafting the Background Tissue QAPP Addendum.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG Modeling Team continued work on decoupling the Hydrodynamic and HQI ECOM-SEDZLJS Sediment Transport Model codes to shorten run times and long-term sediment transport calibration runs.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code initial conditions and long-term calibration runs.
- CPG Modeling Team continued support for design activities for the SV CWCM High Flow and Low Flow Events.
- CPG Modeling Team continued work on system understanding for hydrodynamic and sediment transport processes in Newark Bay.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.

(b) Results of Sampling and Tests

- On September 17, CPG posted Region 2 validated laboratory Electronic Data Deliverables (EDDs) from the SV CWCM Routine Flow Event #3 to the EPA SharePoint site.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue validation of the SV CWCM Routine Flow Event #4 data.
- CPG will continue chemical analysis of the SV CWCM Low Flow Event samples.
- CPG will conduct SV CWCM Routine Flow Event #5 if River conditions meet SV CWCM QAPP criteria.
- CPG will conduct a SV CWCM High Flow Event if River conditions meet SV CWCM QAPP criteria.
- CPG will conduct a HV CWCM sampling event pending EPA approval of the HV CWCM QAPP Addendum.
- CPG will complete the DO Monitoring Program.

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- CPG will complete drafting the Post-Hurricane Irene Bathymetry Survey of the LPR report.
- CPG will begin drafting the 2012 Bathymetry Survey Report.
- CPG Modeling Team will continue calibration runs with the HQI ECOM-SEDZLJS and RCATOX codes and inputs.
- CPG Modeling Team will continue support with the CWCM High Flow program planning and development.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Based upon discussions with EPA on July 19, the CPG understands that EPA considers the calibration of the HQI sediment transport and the chemical fate and transport model sufficient to support the revised FFS for the lower 8 miles of the LPRSA. CPG's understands that EPA is continuing work to improve their calibration of both models. The CPG is continuing to work on both sediment transport model and the chemical fate and transport model for the LPRSA. EPA and CPG collaboration meetings were conducted in January, March, June and September 2012; these and previous meetings are providing an opportunity for both modeling teams to understand differences between each team's approaches. The CPG will be providing a detailed status report on its progress on the LPR/NB modeling in late October. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011. It is also the CPG's understanding that the Method Detection Studies proposed by Tierra and other work such as construction of the mobile centrifuge/CSO sampling trailer required for Phase 1 work were completed in late August 2012. The extent of the RI/FS schedule impacts associated with the Phase 1 sampling schedule (which is now forecast for November 2012) and with a likely Phase 2 field schedule is significant. The CPG is evaluating alternative approaches for CSO/SWO data to be used in the LPR/Newark Bay Chemical Fate & Transport Model to maintain a LPRSA RI/FS Study completion date of second quarter 2015.

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- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012. EPA provided the results of the dispute resolution to the CPG on February 7, 2012 and the CPG implemented the changes specified in the July 2011 directive comments and the results of the dispute resolution in the revised RARC which was submitted on April 13, 2012. The EPA provided comments on the revised RARC on August 30, 2012; the CPG is in the process of revising the RARC to reflect these comments.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter / cfc

Willard F. Potter
Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
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